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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/748,716 Confirmation No. 5358
Applicant : Sara Elo DEAN et al.
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Examiner : Brian J. DETWILER
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Customer No. : 23334

37 C.F.R. 1.131 DECLARATION

I, each and every one of the undersigned inventors of the above-referenced patent application, hereby declare the following:

- 1) Claims 1-9, 11-31, and 33-39 in our above-identified patent application were rejected under 35 U.S.C. § 102(e) and claims 10 and 32 were rejected under 35 U.S.C. § 103(a) based on U.S. Patent Publication No. 2002/0085020 A1 to Carroll, Jr., entitled "XML-Based Graphical User Interface Application Development Toolkit" which filed on September 14, 2001 ("Carroll").
- 2) The invention described in the above-referenced patent application was reduced to a writing prior to the September 14, 2001 priority date of Carroll. In particular, *Franklin Content Management Prototype* documentation (exhibit A), upon which the above referenced patent application was based, is attached herewith. The documentation is a comprehensive specification and installation of the inventive system (see the table of contents of this document for the full detail) created and used by the inventors prior to the September 14, 2001 priority date of Carroll and demonstrating features of the presently claimed invention. It includes everything from an installation guide, configuration, setup of the DB and a Franklin workspace for content management, setting up of users, roles, and includes code snippets of communication between components and error codes.
- 3) Additionally, the invention described in the above-referenced patent application was reduced to actual practice prior to the September 14, 2001 priority date of Carroll. Proof of actual reduction to practice upon which the presently claimed invention was based is attached herewith and will be described in detail below.
- 4) Submitted herewith as evidence of actual reduction to practice prior to the September 14, 2001 priority date of Carroll are the following exhibits:
 - B) Assignments passed out to users prior to the September 14, 2001 priority date of Carroll to test users who were evaluating the integration between two systems: the present invention and "Kittyhawk" prior to the September 14, 2001 priority date of Carroll. The scenarios ask users to do different

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actions in the present invention's UI, which would show that there was a running system that could support users prior to the September 14, 2001 priority date of Carroll. The document describes the integration of the two systems, and shows the request/responses part of the communication between the two systems.

- C) A copy of a State chart of the invention's DB with each possible state of a fragment when stored in the invention's DB. The State chart was created and used by the inventors prior to the September 14, 2001 priority date of Carroll and demonstrates features of the presently claimed invention.
- D) Copies of HTML pages created by the inventors prior to the September 14, 2001 priority date of Carroll and demonstrating features of the presently claimed invention. The HTML pages describe to users how to install the inventive client and issue commands to manage documents, such as Check in, Check out, review, publish and describes the fragment/servable relationship to users.
- E) A synthesis of all feedback from a user acceptance testing of the invention, run prior to the September 14, 2001 priority date of Carroll. It includes a list of things users liked and did not like, which evidences that users were using the running end-to-end inventive system with features of the presently claimed invention prior to the September 14, 2001 priority date of Carroll.
- F) A copy of brief notes identified during a code review of the invention's server code made prior to the September 14, 2001 priority date of Carroll.
- G) An email correspondence to persons other than the inventors of the present invention, listing the internet address for accessing, and instructions on how to use, the working prototype system created and used by the inventors prior to September 14, 2001 priority date of Carroll and demonstrating features of the presently claimed invention.
- H) An email correspondence with reviewer feedback on the working prototype system created and used by the inventors prior to the September 14, 2001 priority date of Carroll and demonstrating features of the presently claimed invention.
- I) Copies of several screenshots of the working prototype system created and used by the inventors prior to September 14, 2001 priority date of Carroll and demonstrating features of the presently claimed invention. These screenshots show lists of XML documents having content objects and content fragments which are named and linked through the entry fields.
- J) A copy of a section of the source code file that was created and used by the inventors prior to September 14, 2001 priority date of Carroll and that implemented part of a working prototype system that performed features of the presently claimed invention.

We, the undersigned, declare all of the above statements are made on our own

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knowledge, the above statements are true and correct, and the above statements are made on information that we believe to be true. We understand that false statements or concealment in obtaining a patent will subject us to fine and/or imprisonment or both (18 U.S.C. §1001) and may jeopardize the validity of the above identified patent application or any application issuing therefrom.



Louis WEITZMAN

April 12, 2005

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April __, 2005

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